

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Charles McNeil, #259477,)	C/A No.: 5:12-cv-02880-MGL-KDW
)	
)	
Plaintiff,)	
)	
v.)	Report and Recommendation
)	
)	
Nurse Owens; Ms. Monroe; Nurse Orange)	
(African-American woman); Freddie)	
Brooks (pill line nurse); Nurse Perry (at)	
BRCI); and Chelsea Johnson,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On January 20, 2014, and January 21, 2014, certain Defendants filed Motions for Summary Judgment. ECF Nos. 164, 167. As Plaintiff is proceeding pro se, the court entered orders on January 21, 2014, and January 22, 2014, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the importance of such motions and of the need for him to file an adequate response. ECF Nos. 165, 168. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motions may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* orders, Plaintiff failed to respond to Defendants' Motions for Summary Judgment.

On March 5, 2014, the court ordered Plaintiff to advise the court whether he wished to continue with the case and to file responses to the two Motions for Summary Judgment by March 24, 2014. ECF No. 172. Plaintiff filed no response. Accordingly, the undersigned

recommended that Plaintiff's case against previous Defendants, J. Glenn Alewine, Gregory S. Washington, Janice Phillips, John B. Tomarchio, John G. Barkley, Percy Jones, Robert M. Stevenson, III, Sharonda L. Sutton, Sherrell A. Orange, Takisha A. Smith, Yvonne S. Munro, Annette W. Brown, Geneva Walters, Tianna Randolph (incorrectly named as Nurse Randall), Chelsea Neal-Johnson, Wanda Brown, Amy Owens, Seraphine U. Niat (incorrectly named as Griati), Kerry Cloud-Perry, and Celestine Butler, be dismissed with prejudice for failure to prosecute. *See* ECF No. 178. Thereafter, the undersigned's recommendation of dismissal was adopted by the district court. ECF No. 186.

Additionally, the undersigned recommended that Plaintiff's case against Defendants Greene, Wick, and Cullough be dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure after Plaintiff failed to provide the court with requested service documents for these Defendants. *See* ECF No. 184. Subsequently, the undersigned's recommendation of dismissal without prejudice against these Defendants was adopted by the district court. *See* ECF No. 192.

Thereafter, the case against the remaining Defendants, as captioned herein, remained open, but Plaintiff took no steps to move the litigation forward. Therefore, on July 7, 2014, the court instructed Plaintiff to advise the court within ten days of its order, whether he wished to pursue a claim against any of the remaining Defendants. ECF No. 172. Plaintiff has filed no response. Therefore, it appears that Plaintiff has abandoned his action, and the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



July 21, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**